

REMARKS

In the Office Action, the Examiner rejected claims 1, 3-5, 13, 15, 44, 46, and 63-68 under 35 U.S.C. § 103(a) as unpatentable over JP 10-65662 to Ishiguro et al. ("*Ishiguro*") in view of U.S. Patent No. 6,314,409 to Schneck et al. ("*Schneck*") U.S. Patent No. 6,374,036 to Ryan et al. ("*Ryan*") and "Applied Cryptography" by Schnier ("*Schnier*").

I. The Response to Restriction Requirement Filed February 22, 2008

As a preliminary matter, the Examiner indicates that Applicants must affirm the election made in the Response to Restriction Requirement filed February 22, 2008 (Office Action at p. 3). In the Response to Restriction Requirement, Applicants elected Group 1, claims 1, 3-5, 13, 15, 44, 46, and 63-68. Applicants affirm the election.

II. The Rejection of claims 1, 3-5, 13, 15, 44, 46, and 63-68 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 1, 3-5, 13, 15, 44, 46, and 63-68 under 35 U.S.C. § 103(a) for the following reasons.

A. The Office Action Does Not Address the Recitations of the Claims

The Office Action does not address the pending claims. Applicants filed an Amendment on October 22, 2007 ("the Amendment"), substantially amending the claims. The Office Action does not appear to account for the amendments presented on October 22, 2007. For example, independent claim 1 recites a "readout means for reading out media type information from a recording medium, the media type information indicating a type for the recording medium."

The Office Action does not address this recitation of claim 1, or numerous other changes presented in the Amendment. Instead, the Office Action addresses the claims as presented before the Amendment. Indeed, the rejection of claim 1 under 35 U.S.C. § 103(a) on pp. 3-5 of the outstanding Office Action appears to be word for word identical to the rejection on pp. 5-6 of the Office Action mailed July 24, 2007 - before the Amendment of October 22, 2007.

In addition, the Office Action fails to address the recitations of dependent claims 63-68. Instead, the Office Action merely alleges that claims 63-68 are not “patentably distinct” from the other pending claims (Office Action at p. 6). This is incorrect. Claims 63-68 contain a number of limitations not present in the other claims. For example, claim 63 recites “the control means outputs the main information signal if the media type information indicates the recording medium is read-only and the copy control information indicates never copy.” The remaining claims do not contain such a recitation, and the Examiner’s failure to address this recitation is improper.

As discussed above, the outstanding Office Action fails to address the claims as currently presented. Accordingly, Applicants respectfully request that the Examiner either allow the claims, or mail a new non-final Office Action addressing the claims as presented in the Amendment filed October 22, 2007.

B. The Office Action Improperly Fails to Cite With Particularity to the Art

Applicants respectfully refer the Examiner to M.P.E.P. § 706.02(j), which states that the examiner should set forth “the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s)” (emphasis added). Moreover, 37 C.F.R. § 1.104(c)(2) states, “when a reference is

complex or shows or describes other inventions other than that claimed by applicant, the particular part relied on must be designated as nearly as practicable" (emphasis added).

First, Applicants note that the rejection under 35 U.S.C. § 103(a) relies upon a number of different references. As such, the references necessarily "describe[] other inventions other than that claimed by applicant," and therefore the Office Action must designate the relied upon parts of the references "as nearly as practicable." However, addressing claim 1, the Office Action simply states that "JP '662 [*Ishiguro*] discloses ... all of the features claimed except for ... the output means ... and ... a watermark detecting means" (Office Action at pp. 3-4). This failure to cite with particularity to *Ishiguro* is clearly in contravention of the requirements of 37 C.F.R. § 1.104.

As discussed above, the outstanding Office Action fails to cite to *Ishiguro* with the particularity required by 37 C.F.R. § 1.104. Accordingly, Applicants respectfully request that the Examiner either allow the claims, or mail a new non-final Office Action that complies with 37 C.F.R. 1.104.

C. The Office Action Fails to Answer the Substance of Applicants' Arguments

MPEP § 707.07(f) states, "[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it" (emphasis added). On pp. 16-18 of the Amendment, Applicants traversed the rejection of independent claim 1. In particular, Applicants pointed out that none of *Ishiguro*, *Schneck*, *Ryan*, or *Schnier* discloses or suggests the claimed comparing means.

The Office Action does not address Applicants' position with respect to claim 1. Indeed, as discussed above, the Office Action simply repeats precisely the identical language used to reject claim 1 in the Office Action mailed July 24, 2007. Applicant submits that merely reiterating the same language in the final Office Action cannot be characterized as answering the substance of Applicant's argument as presented in the Reply.

As discussed above, the outstanding Office Action fails to address the substance of Applicants' arguments as presented in the Amendment. Accordingly, Applicants respectfully request that the Examiner either allow the claims, or mail a new non-final Office Action that complies with MPEP § 707.07(f).

D. The Cited Art Does Not Establish a Prima Facie Case of Obviousness

Independent claim 1, for example, recites an information-signal playback system comprising an information-signal reading apparatus and an information-signal processing apparatus. The information-signal processing apparatus comprises, among other things, a "comparing means for comparing the decrypted media type information with the media type information, to judge if an attempt to alter the media type information has been performed" (emphasis added). The four cited references, even if combined as suggested by the Examiner, fail to teach or suggest the claimed comparing means.

The Examiner concedes that *Ishiguro* fails to disclose an output means for supplying both encrypted and unencrypted information on copyright protection (final Office Action at p. 5). *Ishiguro* also fails to disclose judging whether an attempt to alter media type information has been performed. Further, *Ishiguro* fails to disclose

comparing decrypted media type information with media type information. Indeed, *Ishiguro* is silent as to any judgment about whether there has been an attempt to alter media type information indicating a type for a recording medium. Therefore, *Ishiguro* fails to teach or suggest a “comparing means for comparing the decrypted media type information with the media type information, to judge if an attempt to alter the media type information has been performed,” as recited by independent claim 1.

Schneck also fails to disclose the claimed comparing means. *Schneck* discloses distributing packaged data 108 that includes an encrypted version of access rules 116 (*Schneck*, col. 10, lines 47-53, and Fig. 2). Alternately, *Schneck* discloses that access rules 116 can be provided separately from packaged data 108 (*Schneck*, col. 10, line 49). Thus, *Schneck* uses one of two secure methods for ensuring the secrecy of access rules 116, either encrypting them, or providing them separately to a trusted user. However, *Schneck* fails to disclose judging whether an attempt to alter media type information has been performed. Further, *Schneck* fails to disclose comparing decrypted media type information with media type information. *Schneck*, therefore, does not teach or suggest the claimed “comparing means for comparing the decrypted media type information with the media type information, to judge if an attempt to alter the media type information has been performed,” as recited by independent claim 1.

Ryan also fails to disclose the claimed comparing means. *Ryan* discloses, “a watermark . . . is conventionally embedded in a video image. A subset of the watermark bits carries a digital attribute (a number) which is a numeric characteristic of the video signal, for instance an average amplitude of the video signal over one video field or frame” (*Ryan* col. 3, lines 1-6). *Ryan* continues, “[t]he compliant digital video

recorder . . . examines the watermark, verifies it, . . . and extracts the associated attribute value from the watermark. The compliant recorder also . . . measures the attribute of that particular field, and compares the measured attribute to the extracted attribute value” (*Ryan* col. 3, lines 26-36). However, the attribute value in *Ryan* is not “media type information.” Moreover, *Ryan* fails to disclose judging whether an attempt to alter media type information has been performed. Further, *Ryan* fails to disclose comparing decrypted media type information with media type information. Thus, *Ryan* does not teach or suggest the claimed “comparing means for comparing the decrypted media type information with the media type information, to judge if an attempt to alter the media type information has been performed,” as recited by independent claim 1.

Schnier also fails to disclose the claimed comparing means. *Schnier* discloses a “one-way hash function . . . that takes a variable-length input (called a pre-image) and converts it to a fixed-length (generally smaller) output string (called a hash value)” (*Schnier* p. 30). However, *Schnier* fails to disclose judging whether an attempt to alter media type information has been performed. Further, *Schnier* fails to disclose comparing decrypted media type information with media type information. *Schnier* therefore fails to teach or suggest the claimed “comparing means for comparing the decrypted media type information with the media type information, to judge if an attempt to alter the media type information has been performed,” as recited by independent claim 1.

Although of different scope, independent claims 13 and 44 distinguish over the four cited references for at least the same reasons as claim 1. Claims 3-5 and 63-68 depend from claim 1, claim 15 depends from claim 13, and claim 46 depends from claim

44. As already discussed, the cited references fail to teach or suggest the claimed output means and comparing means.

Because the cited references fail to teach or suggest each and every element recited by claims 1, 3-5, 13, 15, 44, 46, and 63-68, no prima facie case of obviousness has been established with respect to these claims. Applicants therefore request the Examiner to withdraw the rejection of these claims under 35 U.S.C. § 103(a).

In view of the foregoing remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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